

REMARKS/ARGUMENTS

Claims 1-11 are pending, claims 6-11 having been withdrawn from consideration. By this Amendment, claim 1 is amended. Support for the amendments to claim 1 can be found, for example, in the present specification at page 13, lines 3 to 8, in Tables 2 and 3, and in original claim 1. No new matter is added. In view of the foregoing amendments and following remarks, reconsideration and allowance are respectfully requested.

Rejection Under 35 U.S.C. §102

The Office Action rejects claims 1-5 under 35 U.S.C. §102(b) over U.S. Patent No. 5,776,239 to Bruno ("Bruno"). Applicant respectfully traverses the rejection.

Claim 1 recites "[a] titanium dioxide powder having a rutile content of 80% or more, a BET specific surface area of 30 m²/g or more and a particle size distribution (SPAN) of 3.3 or less" (emphasis added). Bruno does not disclose or suggest such a titanium dioxide powder.

The Office Action relies on Bruno for its alleged disclosure of a titanium dioxide powder having a rutile content and a specific surface area corresponding to the rutile content and the specific surface area of the titanium dioxide powder of claim 1. *See* Office Action, page 2; Bruno, column 4, lines 56 to 64. However, Bruno does not remotely disclose or suggest a titanium dioxide powder having a particle size distribution (SPAN) of 3.3 or less, as required by claim 1.

In addition, a particle size distribution (SPAN) of 3.3 or less is not inherent in the teachings of Bruno. Bruno only provides specific disclosure of preparing titanium dioxide powders in Examples 1 and 2. *See* Bruno, column 8, line 60 to column 10, line 38. Applicant prepared the titanium dioxide powder of Example 1 of Bruno, and determined that the titanium dioxide powder has cumulative particle sizes of: D90 = 0.9 pm, D50 = 0.2 pm and D10 = 0.1 pm. That is, the titanium dioxide powder of Example 1 of Bruno was

determined to have a particle size distribution (SPAN) of 4 ((0.9-0.1)/0.2). This determination confirms, at the very least, that the titanium oxide powders of Bruno do not necessarily have particle size distributions within the range recited in claim 1. *See MPEP §2112.IV* (citing *In re Rijckaert*, 9 F.3d 1531 (Fed. Cir. 1993)) ("[t]he fact that certain result or characteristic may occur or be present in the prior art is not sufficient to establish the inherency of the result or characteristic" (emphasis in original)).

Each year, the number of layers in laminated ceramic capacitors increases and the thicknesses of dielectric layers and electrode layers decreases, providing greater miniaturization and increased capacity. *See* present specification, page 3, line 26 to page 4, line 1. A titanium dioxide powder, as recited in claim 1, which has, e.g., a small particle size and narrow particle size distribution, facilitates such miniaturization and capacity increase. *See* present specification, page 4, lines 1 to 3. In addition, such a titanium dioxide powder provides good dispersibility. *See* present specification, page 4, lines 3 to 5. Bruno does not disclose or suggest a titanium oxide powder having the properties recited in claim 1, or recognize the benefits stemming therefrom.

As Bruno fails to disclose or suggest a titanium dioxide powder having a particle size distribution (SPAN) of 3.3 or less, Bruno fails to disclose or suggest each and every feature of claim 1.

As explained, claim 1 is not anticipated by Bruno. Claims 4-5 depend from claim 1 and, thus, also are not anticipated by Bruno. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

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Conclusion

For the foregoing reasons, Applicant submits that claims 1-11 are in condition for allowance. Prompt reconsideration and allowance are respectfully requested.

Respectfully submitted,

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